

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----X	:	
STERLING SUFFOLK RACECOURSE, LLC,	:	Docket No. 18-CV-11963 PBS
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
WYNN RESORTS, LTD; WYNN MA, LLC;	:	
STEPHEN WYNN; KIMMARIE SINATRA;	:	
MATTHEW MADDOX;	:	
and FBT EVERETT REALTY, LLC;	:	
	:	
Defendants.	:	
-----X		

**DECLARATION OF KELLY MCCULLOUGH IN
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

I, Kelly McCullough, hereby declare as follows:

1. I am an associate at Storch Amini PC, counsel for plaintiff Sterling Suffolk Racecourse, LLC (the "Plaintiff") in the above-captioned matter. I submit this Affirmation in opposition to the motions to dismiss of defendants. I have personal knowledge of the facts set forth below.

2. Attached as Exhibit 1 is true and correct copy of the redacted, public version of the Investigative Report Regarding Ongoing Suitability of Wynn MA, LLC, issued by the Investigations and Enforcement Bureau of the Massachusetts Gaming Commission on March 15, 2019. This is the public version of the report and it contains redactions that were not added by counsel for SSR and SSR does not have access to the unredacted report. We respectfully refer the Court to its Electronic Order reinstating the Memorandum of Stephen A. Wynn which contained redactions to a report also issued by the Investigations and Enforcement Bureau of the

Massachusetts Gaming Commission (Doc. No. 93); *see also* Letters from Counsel for Stephen A. Wynn, dated March 11, 2019 and March 20, 2019 (Doc. Nos. 87, 91).

3. Attached as Exhibit 2 is a true and correct copy of the Decision and Order of the Massachusetts Gaming Commission dated May 7, 2018 in the matter of the qualifier status of Stephen Wynn.

4. Attached as Exhibit 3 is a true and correct copy of a letter to Kevin Woody from Matthew Maddox dated September 5, 2013, regarding the Annual Report on Form 10-K filed by Wynn Resorts on March 1, 2013.

Dated: New York, New York
April 5, 2019

/s/ Kelly McCullough
Kelly McCullough